UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE, EASTERN DIVISION AT KNOXVILLE

RICKY BUNCH)
Plaintiff,	{
vs.)))
I ADDS/ BUIDNITES THE DUZE) Docket No.
LARRY FUENTES, THE PIKE	<i>)</i>
COMPANY, INC., WILLIAM)
CLERICO, FUTURE LOGISTICS)
SYSTEMS, LLC and WOLVERINE)
OVER THE ROAD, LLC)
)
Defendants.)

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendants, William Clerico and Wolverine Over The Road, LLC, in the above cause, pursuant to 28 U.S.C § 1446, hereby remove to the United States District Court the above-captioned action from the Campbell County Circuit Court, Tennessee, Docket No. 17542.

In support thereof, these Defendants would show unto the Court as follows:

- 1. On September 15, 2022, a civil action was commenced in the Campbell County
 Circuit Court at Jacksboro, Tennessee, styled <u>Ricky Bunch v. Larry Fuentes</u>, <u>The Pike Company</u>,
 <u>Inc., William Clerico, Future Logistics Systems, LLC and Wolverine Over The Road, LLC</u>, Docket
 No. **17542** (A true and correct copy of the Complaint originating the cause of action is attached hereto as **Exhibit A** and incorporated by reference herein).
- A Notice of Appearance of Counsel has been filed with the Campbell County
 Circuit Court on behalf of Defendants, William Clerico and Wolverine Over The Road, LLC.

- 3. A Notice of Waiver of Service of Summons has been filed with the Campbell County Circuit Court on behalf of Defendants, William Clerico and Wolverine Over The Road, LLC pursuant to *Tenn. R. Civ. P.* 4.07.
- 4. The parties are citizens of different states. Plaintiff is a citizen and resident of Madison County, Kentucky. Defendant, William Clerico is a citizen and resident of Logan County, Wolverine Over The Road, LLC is an Ohio corporation, Larry Fuentes is a citizen and resident of Livingston County, New York, The Pike Company, Inc. is a New York corporation with its principal office located in Rochester, New York and Future Logistics Systems, LLC is a Ohio corporation with its principal office located in DeGraff, Ohio.
- 5. The plaintiff demands a judgment against the defendants, jointly and severally for compensatory damages in an amount exceeding \$75,000.00 and punitive damages in an unknown amount. (See Complaint). Therefore, this action is a civil action over which this Court has original jurisdiction under 28 U.S.C. §1331, and is one which may be removed to this Court by the Defendants pursuant to the provisions of 28 U.S.C. § 1441. This court also has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332.
 - 6. This Removal Notice is timely pursuant to 28 U.S.C. § 1446(a).
- 7. Any civil action brought in a State Court of which the United States District Court has original jurisdiction may be removed by the Defendants to that District Court embracing the place where such action is pending. 28 U.S.C. § 1441(a). Since this civil action is now pending in the Campbell County Circuit Court, at Jacksboro, Tennessee, the Eastern District of Tennessee, Eastern Division at Knoxville, Tennessee, is the proper forum for removal.
 - 8. The plaintiffs have heretofore sought no similar relief.
 - 9. Written notice of the filing of this Notice of Removal of the above-referred

action shall be promptly delivered to all parties through their counsel of record. A copy of the Notice of Removal will be filed promptly with the Clerk of the Campbell County Circuit Court.

WHEREFORE, Defendants, William Clerico and Wolverine Over The Road, LLC request that this Court take jurisdiction of this action and issue all necessary orders and process to remove said action from the Campbell County Circuit Court to the United States District Court for the Eastern District of Tennessee, Eastern Division at Knoxville.

Respectfully submitted,

TRAMMELL, ADKINS & WARD, P.C.

s/ Terrill L. Adkins
Terrill L. Adkins, Esq. (BPR# 013138)
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Wolverine Over The Road, LLC
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of this pleading has been served on all counsel of record by placing same in the United States Mail, postage prepaid, by delivering same to the office of said counsel, or via facsimile.

	G. Turner Howard, III Esq. Law Offices of G. Turner Howard III & Associates 5915 Casey Drive P.O. Box 51904 Knoxville, TN 37950-1904							
This	14	_day of	0	ctober		, 2022.		
TRAMMELL, ADKINS & WARD, P.C.								
s/ <u>Terrill L. Adkins</u> Terrill L. Adkins								